

# COUNTY OF YORK

## MEMORANDUM

**DATE:** November 15, 2000 (BOS Mtg. 11/21/00)

**TO:** York County Board of Supervisors

**FROM:** Daniel M. Stuck, County Administrator

**SUBJECT:** Application No. UP-562-00, Tina D. Judson

### **ISSUE**

Application No. UP-562-00 requests a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty salon as a home occupation within a single-family detached dwelling located at 302 Coach Hovis Drive and further identified as Assessor's Parcel No. 38-(10)-5-71.

### **DESCRIPTION**

- Property Owner: J. Curtis and Tina D. Judson
- Location: 302 Coach Hovis Drive
- Area: 20,232 square feet
- Frontage: 75.33 feet on Coach Hovis Drive (Route 1456)
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: Medium-density residential
- Zoning Classification: R20 – Medium density single-family residential
- Existing Development: Single-family detached home
- Surrounding Development:
  - North: Single-family detached home
  - East: Undeveloped acreage in the City of Poquoson
  - South: Two single-family detached homes
  - West: Single-family detached home across Coach Hovis Drive
- Proposed Development: Beauty salon as a home occupation

### **CONSIDERATIONS/CONCLUSIONS**

1. The applicant lives in the Woods of Tabb subdivision and wishes to operate a beauty salon in her home. Section 24.1-283 of the Zoning Ordinance requires a special use permit for any home occupations with on-premises retail sales, personal services, or customer/client contact, specifically including barber and beauty shops.
2. Section 24.1-281 of the Zoning Ordinance specifies a series of performance standards that apply to home occupations in general, and Section 24.1-283(b) sets forth additional standards that apply specifically to those home occupations for which a use permit is required. The general purpose of these standards is to limit the size, scale, and visibility of home occupations in order to ensure that they remain incidental and subordinate to the residential use of the property and to prevent adverse impacts on surrounding homes. Pursuant to these standards, home occupations are not permitted to occupy more than 25% of the floor area of the residence or 400 square feet, whichever is less. The applicant's home has 3,200 square feet of floor area, and she has indicated that the beauty salon will be limited to one 150-square foot room (4.7% of the floor area of the home). The Zoning Ordinance also limits the hours of operation to the period between 8:00 AM and 8:00 PM, Monday through Saturday, unless otherwise specified by the Board through a use permit condition. The applicant's proposed hours of operation are variable but will be limited to three days a week, Monday through Saturday, between the hours of 9:00 AM and 7:00 PM. A condition to this effect has been included in the approving resolution.
3. Although some appointments could last two hours or more, the applicant has indicated that the average appointment will be approximately one hour in length, and a condition has been included in the approving resolution specifying that only one customer may be served at a time. The applicant expects to serve no more than 12 to 15 customers in any given week, at least at the outset. Based on this information, staff estimates that the business will initially generate a maximum of thirty vehicle trips per week. As the business grows, trip generation could potentially grow to a **maximum** of 60 trips, or 20 trips a day three days a week, almost none of them peak-hour trips. This is an absolute worst-case scenario (in terms of traffic) that assumes one customer per hour per day for ten consecutive hours with no breaks. It also assumes that all customers will be arriving by car, which is not likely since at least some of the applicant's customers will be neighbors who live within walking distance.
4. The subject property can accommodate both the residential parking requirement (two spaces) and the off-street parking demand generated by the proposed beauty salon (1 space). The home has a two-car garage and a driveway measuring approximately 25 feet in width and 36 feet in length. Since the minimum parking space dimensions in York County are 9 feet by 18 feet, the driveway can accommodate up to four cars.
5. In the past ten years, six applications for home barber and beauty shops have been approved by the Board. For comparison purposes, relevant data for these six home occupations are listed in the table below. As the table indicates, the subject application will be less intensive than all but one of these approved home occupations based on the more restrictive hours of operation. It will also be one of the smallest with respect to the total floor area devoted to the home occupation.

Approval Date	Location	Maximum Area	Days and Hours of Operation
2/21/91	Lotz Acres Estates	125 square ft.	Monday-Saturday, 8 AM-8 PM

10/17/91	Hudgins Farm Drive	240 square ft.	Monday-Saturday, 8 AM-8 PM
4/16/92	Hornsbyville Road	240 square ft.	Monday-Saturday, 8 AM-8 PM
10/15/92	Running Man	150 square ft.	Monday-Saturday, 8 AM-8 PM
5/20/93	Edgehill	260 square ft.	Monday-Friday, 9 AM-5 PM
8/16/95	Carraway Terrace	200 square ft.	Tuesday-Thursday, 9 AM-6 PM

According to staff in the County's Zoning and Code Enforcement Division, there have been no complaints or compliance problems associated with any of these home beauty/barber shops.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its October 11 meeting and, subsequent to conducting a public hearing at which only the applicant spoke, voted 6:0 (Mr. Heavner absent) to recommend approval. At the applicant's request, the Commission amended a condition in the approving resolution relative to the hours of operation. Specifically, the recommended closing time for the proposed beauty salon was changed from 5:00 PM to 7:00 PM.

### **COUNTY ADMINISTRATOR RECOMMENDATION**

The proposed home occupation is a small-scale operation and is not likely to have any adverse impacts on the surrounding area. I am confident that the proposed conditions prohibiting non-resident employees and limiting the hours of operation are sufficient to ensure that it remains a small-scale operation, consistent with the intent of the home occupation provisions of the Zoning Ordinance. Therefore, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution No. R00-175. The Board should note that proposed condition #10 waives the two-year term limit for the proposed home occupation specified in Section 24.1-283(g) of the Zoning Ordinance. This provision was originally added to the Zoning Ordinance several years ago as a means of limiting home occupations that have non-resident employees to give such businesses time to find a more appropriate commercial location; I know of no reason to apply this requirement in this case.

Cross/3496

#### **Attachments**

- Excerpts of unapproved Planning Commission minutes, October 11, 2000
- Zoning Map
- Survey Plat
- Letter from Tina D. Judson dated August 28, 2000
- Proposed Resolution No. R00-175